

**REMARKS**

Applicant respectfully requests allowance of the subject application. Claims 56-57 and 61-67 are pending. Claims 58-60 and 68-74 were previously cancelled.

**35 U.S.C. §103**

Claims 56, 61, and 63-67 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,861,881 to Freeman et al. (hereinafter "Freeman") in view of U.S. Patent 5,884,056 to Steele (hereinafter "Steele"). Applicant respectfully traverses the rejection.

**Claim 56** is directed to a viewer computing unit for receiving and displaying continuous video content programs. The viewer computing unit includes a memory, a processor programmed to determine whether the video content programs are interactive, and a tuner to tune to channels carrying the video content programs. The viewer computing unit also includes an Internet browser that is stored in the memory. The Internet browser is dynamically loadable for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive.

**Claim 61** is directed to a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program. A determination is made as to whether a program is interactive compatible. In an event that the program is interactive compatible, a target specification is retrieved that is associated with the program. An Internet browser is dynamically launched to activate the target resource in support of interactive functionality for the program.

1       **Claim 67** is directed to a computer-implemented method for activating  
2 interactive supplemental content. A determination is made as to whether a  
3 program is interactive compatible. In an event that the program is interactive  
4 compatible, a target specification is retrieved that is associated with the program  
5 and an Internet browser is launched to activate the target resource in support of  
6 interactive functionality for the program.

7       Freeman and Steele, alone or in combination, do not disclose, teach or  
8 suggest an "Internet browser being dynamically loadable for execution on the  
9 processor when the tuner is tuned to a channel carrying a video content program  
10 that is interactive" as claimed in Claim 56. Additionally, Freeman and Steele,  
11 alone or in combination, do not disclose, teach or suggest "dynamically launching  
12 an Internet browser to activate the target resource" as claimed in Claim 61 or  
13 "launching an Internet browser to activate the target resource" as claimed in Claim  
14 67.

15       Freeman is directed to an interactive computer system that provides "not  
16 only the ability to branch amongst parallel transmitted data streams, but also, the  
17 capability to seamlessly integrate input from other media, such as CD-ROMs and  
18 laser disks, into the presentation". *Freeman, Col. 2, Lines 15-19*. The system of  
19 Freeman includes a vertical blanking interval switch, as described in the following  
20 excerpt:

21       A vertical blanking interval (VBI) switch 180 is connected to  
22 the microprocessor 108 so that the input may be switched  
23 during the vertical blanking interval of the current stream,  
24 resulting in a seamless switch to the viewer. .... Based on  
25 user responses and control codes, it is assumed that the  
microprocessor 108 determines that a switch from video  
signal A to video signal C should be performed. .... A  
command is issued from the microprocessor 108 to the RF

1 demodulator 102B commanding a switch to the channel and  
2 data stream on which video signal C is located. *Freeman,*  
3 *Col. 9, Lines 37-51.*

4 The system of Freeman utilizes "trigger points" to provide additional data, which  
5 is described in Freeman as follows:

6 The trigger points 900 correspond to times when interactive  
7 events are scheduled to take place. These interactive events  
8 could be the selection and playing of video, audio segments  
9 or the display of graphics. While the choice of particular  
10 video, audio or graphics is still dependent on viewer  
11 selections, the viewer selections in response to displayed  
12 graphical interrogatory messages are preferably made during  
13 a period at the onset of the program or when a viewer first  
14 tunes into the program. These viewer selections are then  
15 utilized as inputs to macros called up at later times during the  
16 program by the controller upon the occurrence of the trigger  
17 points, identified to the interactive computer by unique codes  
18 embedded in the video signal.

19 The trigger points correspond to the times when the  
20 conventional program content can be altered and personalized  
21 for those subscribers capable of receiving the interactive  
22 signal. *Freeman, Col. 12, Lines 37-53.*

23 Freeman also describes that each trigger point "is identified preferably through the  
24 broadcast of ACTV codes sent as part of the composite interactive program  
25 signal." *Freeman, Col. 13, Lines 15-17.* Freeman describes the use of the trigger  
points as follows:

Upon extraction of the codes by the data decoder, the CPU  
108 reads and interprets the codes and calls from memory a  
particular user selection(s) designated by the trigger point  
codes. The user selections correspond to subscriber answers  
to a series of interrogatory messages preferably presented at  
the beginning of the program. After obtaining the appropriate  
user selection(s), the controller 108 reads and performs the  
executable instructions using the user selection(s) as input(s)  
in the macro algorithm. The result of the algorithm is either a  
selected video stream, audio and/or selected graphics  
response. The video/audio response can be called from

1 memory if it is prestored, called from external data storage, or  
2 the controller can command the switch to branch to the  
3 particular video audio stream if the response is broadcast  
concurrently with the trigger point. *Freeman, Col. 13, Lines*  
27-45.

4 Thus, Freeman describes a system that uses a trigger point identified through the  
5 broadcast of ACTV codes to call from memory a particular user selection(s)  
6 designated by the trigger point codes that correspond to subscriber answers to a  
7 series of interrogatory messages preferably presented at the beginning of the  
8 program.

9 The Office correctly asserts that Freeman does not specifically disclose an  
10 Internet browser stored in the memory. The Office then asserts Steele at column 5,  
11 lines 10+ to cure the defects of Freeman. The referenced section of Steele, however,  
12 merely states that "a client machine 10 includes a computer or other device (as  
13 discussed above), running a Web browser program." *Steele, Col. 5, Lines 10-12.*

14 Beginning at page 16 of the subject specification, an exemplary  
15 implementation is described of a viewer computing unit. The viewer computing  
16 unit has an interactive support module in the form of a browser which is kept in  
17 memory. The browser is dynamically loaded on a processor when needed to  
18 render content. The browser can be implemented as a hyperlink browser, or more  
19 particularly, as an Internet Web browser.

20 Freeman and Steele, alone and in combination, are silent as to the claimed  
21 aspect of "the Internet browser being dynamically loadable for execution on the  
22 processor when the tuner is tuned to a channel carrying a video content program  
23 that is interactive" as claimed in Claim 56. Freeman does not show this feature  
24 nor address loading of the Internet browser. Rather, Freeman focuses on display  
25 of user selections in response to trigger points. Steele does not correct the defects

1 of Freeman. Although Steele mentions the existence of a browser, Steele does not  
2 disclose, teach or suggest an "Internet browser being dynamically loadable for  
3 execution on the processor when the tuner is tuned to a channel carrying a video  
4 content program that is interactive" as claimed in Claim 56. Additionally, neither  
5 Freeman nor Steele, alone or in combination, disclose, teach or suggest  
6 "dynamically launching an Internet browser to activate the target resource" as  
7 claimed in claim 61 nor "launching an Internet browser to activate the target  
8 resource" as claimed in claim 67. For these and other reasons, claims 56, 61 and  
9 67 are allowable over Freeman and Steele, alone or in combination. Applicant  
10 respectfully requests that the §103 rejections of claims 56, 61, and 67 be  
11 withdrawn.

12 Claim 63 depends from claim 61 and is allowable by virtue of this  
13 dependency.

14 Claim 64 describes a computer-implemented method for activating  
15 interactive supplemental content. A determination is made as to whether a  
16 program is interactive compatible by checking a channel separate from a channel  
17 carrying the video content program for presence of supplement content. In an  
18 event that the program is interactive compatible, a target specification is retrieved  
19 that is associated with the program and an Internet browser is dynamically  
20 launched to activate the target resources in support of interactive functionality for  
21 the program.

22 Neither Freeman nor Steele, alone or in combination, disclose, teach or  
23 suggest "determining if a program is interactive compatible by checking a channel  
24 separate from said channel carrying the video content program" as claimed in  
25 claim 64. Additionally, neither Freeman nor Steele, alone or in combination,

1 disclose, teach or suggest "dynamically launching an Internet browser" as claimed  
2 in Claim 64.

3 As previously stated, Freeman is directed to a system for integrating video  
4 programming. Freeman describes a system that uses a trigger point identified  
5 through the broadcast of ACTV codes to call from memory a particular user  
6 selection(s) designated by the trigger point codes that correspond to subscriber  
7 answers to a series of interrogatory messages preferably presented at the beginning  
8 of the program. Thus, Freeman obtains the trigger point from the broadcasted  
9 ACTV codes.

10 Beginning at page 17 of the subject specification, an exemplary run-time  
11 technique is described that may be used for detecting whether a program is  
12 interactive compatible. Rather than checking the EPG data field, the viewer  
13 computing unit checks a dedicated channel for the existence of new supplemental  
14 content data. The dedicated channel is separate from the selected channel carrying  
15 the program so that the supplemental content is received by the viewer computer  
16 unit currently with the program video data. The existence of a supplemental  
17 content data stream over the dedicated channel indicates that the program being  
18 received on the selected channel is interactive compatible.

19 Both Freeman and Steele are silent as to the claimed aspect of "determining  
20 if a program is interactive compatible by checking a channel separate from said  
21 channel carrying the video content program" as claimed in Claim 64. The Office  
22 asserts Freeman at column 13, lines 45+ for such a teaching, which is excerpted as  
23 follows:

24 As mentioned above, a series of interrogatory messages are  
25 preferably presented when the subscriber begins watching the  
interactive program. These interrogatory messages can be

presented in any one of three ways. First, the interrogatory messages can be presented as graphics displays overlaid by the interactive computer workstation onto a video signal, wherein the graphics data is sent in the vertical blanking interval of the composite interactive signal, or alternatively stored on the hard disk or external storage. Second, the interrogatory messages are presented as graphics displays as discussed above, except the graphics data comes from local storage, external data storage (e.g., CD ROM, cartridge, etc.), or a combination of data in the VBI and data called from either local or external data storage. Third, graphics data can be presented in the form of user templates stored at the interactive computer workstation. *Freeman, Col. 13, Lines 45-60.*

In the referenced section, Freeman merely describes sources for a display of interrogatory messages that are answered by the subscriber when the subscriber begins watching the interactive program.

As previously described, Freeman discusses the use of "trigger points", in which "[e]ach trigger point is identified preferably through the broadcast of ACTV codes sent as part of the composite interactive program signal." *Freeman, Col. 13, Lines 15-17.* Steele does not correct the defects of Freeman, and again is used to support the existence of a Web browser. Neither Freeman nor Steele, alone or in combination, disclose, teach or suggest "determining if a program is interactive compatible by checking a channel separate from said channel carrying the video content program" as claimed in Claim 64.

For these reasons, claim 64 is allowable over Freeman and Steele, alone and in combination. Applicant respectfully requests that the §103 rejection of claim 64 be withdrawn.

Claim 65 is directed to a computer-implemented method for activating interactive supplemental content upon tuning to a channel carrying the video

1 content program that includes determining if a program is interactive compatible.  
2 An interactive compatible program is associated with target resources containing  
3 data which support interactive functionality in conjunction with the interactive  
4 compatible program. The target resources are located by corresponding target  
5 specifications. An icon is displayed to visually inform the viewer that the program  
6 is interactive compatible. In an event that the program is interactive compatible, a  
7 target specification associated with the program is retrieved and an Internet  
8 browser is launched to activate the target resource in support of interactive  
9 functionality for the program.

10 Claim 66 is directed to a computer-implemented method for activating  
11 interactive supplemental content for a video content program upon tuning to a  
12 channel carrying the video content program by determining if a program is  
13 interactive compatible. An interactive compatible program is associated with  
14 target resources containing data which support interactive functionality in  
15 conjunction with the interactive compatible program. The target resources are  
16 located by corresponding target specifications. The interactive supplemental  
17 content is displayed in response to the viewer activating an icon. In an event that  
18 the program is interactive compatible, a target specification associated with the  
19 program is retrieved and an Internet browser is launched to activate the target  
20 resource in support of interactive functionality for the program.

21 As previously discussed in relation to Claims 56, 61, and 67, neither Freeman  
22 nor Steele, alone or in combination, disclose, teach or suggest "launching an Internet  
23 browser" as claimed in claims 65 and 66.

24 Claim 65 further describes "displaying an icon to visually inform the viewer  
25 that the program is interactive compatible". Claim 66 describes "display the



1 interactive supplement content in response to the viewer activating an icon".  
2 Contrary to the Office's assertion, Steele does not disclose displaying an icon to  
3 visually inform the viewer that the program is interactive compatible. Indeed, the  
4 only mention of the word "icon" in Steele is in relation to a hyperlink, an example of  
5 which is shown in the following excerpt:

6           The World Wide Web facilitates user access to information  
7           resources by letting people jump from one server to another  
8           simply by selecting a highlighted word, picture or icon (a  
9           program object representation) about which they want more  
            information--a maneuver known as a "hyperlink". *Steele,*  
            *Col. 2, Lines 30-34.*

10 Freeman does not mention the word "icon", and therefore does not cure the defects  
11 of Steele.

12           For these and other reasons, claims 56, 61, and 63-67 are allowable over  
13 Freeman in view of Steele. Applicant respectfully requests that the §103  
14 rejections of claims 56, 61, and 63-67 be withdrawn.

15  
16 **35 U.S.C. §103**

17           Claims 57 and 62 are rejected under 35 U.S.C. §103(a) as being obvious  
18 over Freeman in view of Steele and further in view of United State Patent No.  
19 5,629,733 to Youman et al (hereinafter "Youman"). Applicant respectfully  
20 traverses the rejection.

21           **Claim 57** is directed to a viewer computing unit as recited in Claim 56, and  
22 further describes an electronic programming guide to organize programming  
23 information. The EPG associates a target specification to a target resource with a  
24 video content program. The Internet browser activates the target resource when the  
25 tuner is tuned to the video content program.

1 The Office first asserts Freeman for a viewer-computing unit. The Office  
2 then asserts Steele for teaching of the Internet browser. As previously stated, neither  
3 Freeman nor Steele, alone or in combination, disclose, teach or suggest "the Internet  
4 browser being dynamically loadable" as claimed in claim 56. Youman does not cure  
5 this defect in Freeman and Steele. The Office then correctly asserts that neither  
6 Freeman nor Steele specifically discloses an EPG stored in the memory and executed  
7 on the processor to organize program information.

8 To cure the defects of Freeman and Steele, the Office asserts Youman for  
9 teaching of an EPG. Specifically, the Office asserts Youman at col. 8, lines 8+, and  
10 FIGS 1, and 19-21 for teaching "the EPG associating a target specification to a target  
11 resource with a video content program" as claimed in Claim 57. Neither the  
12 referenced figures, nor the referenced section, nor anywhere else in Youman is there  
13 disclosure, teaching, or suggestion for the claimed association.

14 Beginning at page 10 of the subject specification, an example of a data  
15 structure is described which is used by an EPG database to organize programming  
16 information and to correlate target specifications with programs. The data  
17 structure includes a number of data records comprising various data fields for  
18 holding programming information. The data structure includes a data field for  
19 holding target specifications which reference target resources supporting the  
20 supplemental content. The data structure correlates the target specifications with  
21 the programs by associating them within the same program record. The presence  
22 of a target specification within the data field indicates that the associated program  
23 is interactive and that complementary content can be displayed in addition to the  
24 program itself.

1 Youman merely describes operation of an EPG to obtain additional  
2 information about a program. Youman does not disclose, teach or suggest the  
3 desirability of associating a target specification and a target resource with a video  
4 content program. Therefore, neither Freeman, Steele, nor Youman, alone or in  
5 combination, disclose, teach or suggest "the EPG associating a target specification to  
6 a target resource with a video content program" as claimed in claim 57. Therefore,  
7 for at least these reasons claim 57 is allowable and withdrawal of the rejection is  
8 respectfully requested.

9 Claim 62 recites a computer-implemented method in which the target  
10 specifications are correlated with the program in a program listing. The program  
11 listings are checked to ascertain whether the program is interactive compatible.  
12 The program is determined to be interactive compatible by presence of a target  
13 specification being associated with the program in the program listing.

14 The Office correctly asserts that neither Freeman nor Steele specifically  
15 disclose the claim limitations of claim 62. The Office then asserts Youman to cure  
16 the defects of Freeman and Steele. Youman, however, merely describes association  
17 of additional information, as shown in the following excerpt:

18 In each of the FLIP, BROWSE and MENU modes, a lower  
19 case "i" icon appears at a number of occasions in connection  
20 with certain program listings, such as movies, such as the "i"  
21 203 shown in FIG. 20. Any time this icon appears, the user  
22 can view additional programming information, generally  
23 comprising a textual description of program content and/or  
24 other information related to the program, such as the names of  
25 cast members and the like, by depressing the "i" key 48 on the  
remote controller 40. An example of a display of such  
additional information is shown in FIG. 21. *Youman, Col. 5,  
Line 66 to Col. 18, Line 9.*

1 Thus, Youman merely describes obtaining additional information in an EPG.  
2 Youman does not describe "the target specifications are correlated with the  
3 program in a program listing", "checking the program listing to ascertain whether  
4 the program is interactive compatible", and "determining that the program is  
5 interactive compatible by presence of a target specification being associated with  
6 the program in the program listing" as claimed in Claim 62. Therefore, for at least  
7 this reason claim 62 is allowable and withdrawal of the rejection is respectfully  
8 requested.

#### 9 10 Missing Limitations

11 With respect to pending independent claims, the rejections in the Office  
12 Action fail to give proper weight to the limitations identified above, especially since  
13 these limitations are missing from both the applied art and the art of record, either  
14 alone or in any combination. Moreover, these missing limitations are not otherwise  
15 supported by way of official notice, stated scientific theory, basis for common  
16 knowledge in the art, or cited legal precedent. The Applicant respectfully demands  
17 evidence for these missing limitations.

#### 18 19 Conclusion

20 Claims 56-57 and 61-67 are in condition for allowance. Applicant  
21 respectfully requests reconsideration and prompt issuance of the subject  
22 application. If any issues remain that prevent issuance of this application, the  
23 Examiner is urged to contact the undersigned attorney before issuing a subsequent  
24 Action.

Respectfully Submitted,

Dated: 3/15/04

By: William J. Breen, III

William J. Breen, III  
Reg. No. 45,313  
(509) 324-9256

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25